

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:24-cv-00306-FDW-SCR**

CAROLINA’S CONTRACTING, LLC,

Plaintiff,

v.

**HAYES PIPE SUPPLY, INC., and
McWANE, INC.,**

Defendants.

ORDER

THIS MATTER comes before the Court on Defendant McWane, Inc.’s, d/b/a Tyler Union (“McWane, Inc.”), Motion to Dismiss or, in the Alternative, to Stay and Compel Arbitration (Doc. No. 14) and Consent Motion to Stay Proceedings Pending Arbitration between certain parties (Doc. No. 25). For the reasons set forth in the Motion (Doc. No. 25), the Court **FINDS** and **CONCLUDES** as follows:

1. Plaintiff shall submit its claims against McWane, Inc. to an arbitration to be conducted under the terms of the Delaware Rapid Arbitration Act in Delaware or such other location as those parties may agree.¹

2. The claims and counterclaims alleged in the action between all parties shall be stayed pending the resolution of the arbitration between Plaintiff and McWane, Inc.² However, the parties may file motions to lift the stay for the Court’s consideration.

¹ The Court notes that claims and counterclaims involving Defendant Hayes Pipe Supply, Inc. will not be submitted to arbitration.

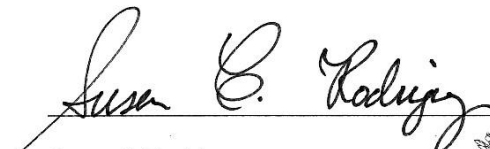
² Following a meet and confer ordered by the Court, Plaintiff agreed to submit its claims against McWane, Inc. to arbitration. In light of 9 U.S.C. § 3 and Smith v. Spizzirri, 601 U.S. 472 (2024), the Court stays this action pending resolution of the arbitration.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. That the Consent Motion to Stay Proceedings Pending Arbitration between certain parties (Doc. No. 25) is GRANTED and that the Motion to Dismiss or, in the Alternative, to Stay and Compel Arbitration (Doc. No. 14) is administratively DENIED without prejudice as moot³;
2. That Plaintiff shall submit its claims against McWane, Inc. to an arbitration to be conducted under the terms of the Delaware Rapid Arbitration Act in Delaware or such other location as those parties may agree;
3. That further proceedings between all parties are hereby STAYED pending the arbitration of the claims between Plaintiff and McWane, Inc., subject to further order of the Court; and
4. The parties shall file a status report 90 days from the date of this Order and every 90 days thereafter until the arbitration is concluded or the stay lifted.

SO ORDERED.

Signed: December 13, 2024


Susan C. Rodriguez
United States Magistrate Judge



³ The parties may refile any appropriate Rule 12 motions under the Federal Rules of Civil Procedure, if any, following the arbitration between Plaintiff and McWane, Inc. and the lifting of the stay in the case.